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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9 ROBERT HOLMES, *et al.*,

10                   Plaintiffs,

11                   v.

12 YCT. NOVA, *et al.*,

13                   Defendants.

14                   Case No. C16-1422RSL

15                   ORDER DENYING MOTION TO  
16                   DISMISS INDIVIDUAL CAPACITY  
17                   CLAIMS

18                  This matter comes before the Court on “Defendant Stephen Yadvish’s Federal  
19                  Rule of Civil Procedure 12(c) Motion to Dismiss Claims Against Him in His Individual  
20                  Capacity.” Dkt. # 37. Defendant argues that the only claims asserted against him are  
21                  based on his status as a shareholder and officer of defendant Yachtfish Marine, Inc. He is  
22                  incorrect. Mr. Yadvish is accused of personally acting in a way that harmed plaintiffs.  
23                  Corporate shareholders, officers, and agents can be held liable for their own wrongful  
24                  conduct even if the actions were taken within the scope of their duties for the corporation.  
25                  Dodson v. Economy Equip. Co., 188 Wash. 340, 343 (1936). Such liability is not based  
26                  on an alter ego theory and does not require piercing the corporate veil. Grayson v. Nordic  
                 Constr. Co., Inc., 92 Wn.2d 548, 553-54 (1979).

27                  The allegations of the complaint adequately allege claims against Mr. Yadvish  
28                  based on his own tortious conduct, regardless of whether he was acting on his own behalf,  
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1 on behalf of Yachtfish Marine, Inc., or on behalf of his partnership with defendant S.B.  
2 Joseph Clark. In addition, Mr. Yadvish has asserted a maritime lien which plaintiffs seek  
3 to expunge. The motion to dismiss plaintiffs' claims against Mr. Yadvish in his individual  
4 capacity is DENIED.

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6 Dated this 20th day of April, 2017.

7 Robert S. Lasnik

8 Robert S. Lasnik  
9 United States District Judge

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